

# HOUSE . . . . . No. 2643

By Mr. Swan of Springfield, petition of Benjamin Swan and others relative to funeral home expenses. Public Health.

## The Commonwealth of Massachusetts

### PETITION OF:

Benjamin Swan  
Mike E. Festa  
Stephen J. Buoniconti

Thomas P. Kennedy  
John W. Scibak

In the Year Two Thousand and Five.

AN ACT RELATIVE TO FUNERAL HOME EXPENSES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 9 of chapter 117A of the General Laws as  
2 appearing in the 2002 Official Edition is hereby amended by  
3 striking the section in its entirety and inserting in place thereof the  
4 following new section:—

5 Section 9. The department shall provide for the decent inter-  
6 ment of all deceased persons who are at the time of death recipi-  
7 ents of aid or assistance under this chapter, all deceased persons  
8 who, although without means of support at the time of death, did  
9 not apply for such aid or assistance; and all unknown persons  
10 found dead. The expense thereof may be recovered of their kin-  
11 dred, if any, chargeable by law for their support in the manner  
12 provided in this chapter; and if the expense of their funeral and  
13 interment is not paid by such kindred, an amount not exceeding  
14 eleven hundred dollars shall be paid by the commonwealth; pro-  
15 vided further, that the commonwealth shall have the right of reim-  
16 bursement from whatever resources may exist in the estate of said  
16 person.

1 SECTION 2. Section 10 of chapter 117A of the General Laws,  
2 as so appearing, is hereby amended by striking the section in its  
3 entirety and inserting in place thereof the following new  
4 section:—

5 Section 10. In case of the decease of a poor and indigent  
6 person the commonwealth shall pay toward the expense of the  
7 funeral and interment of such person a sum not exceeding eleven  
8 hundred dollars; provided, however, that the commonwealth shall  
9 have the right of reimbursement from whatever resources may  
10 exist in the estate of said person.

1 SECTION 3. Section 2 of Chapter 118 of the General Laws, as  
2 so appearing, is hereby amended by striking the third paragraph in  
3 lines 29 through 35 inclusive and inserting in place thereof the  
4 following new paragraph:—

5 “The department may pay a sum not exceeding eleven hundred  
6 dollars toward the funeral and interment of a recipient provided  
7 that there are insufficient resources to pay for the cost of such  
8 funeral and interment. The commonwealth shall have the right of  
9 reimbursement from whatever resources may exist in the estate of  
10 the recipient.”

1 SECTION 4. Section 7 of Chapter 118A of the General Laws,  
2 as so appearing, is hereby amended by striking the section in its  
3 entirety and inserting in place thereof the following new  
4 section:—

5 Section 7. The department shall provide to aged and disabled  
6 residents of the commonwealth under this chapter a program of  
7 social services as enumerated under section two of chapter eigh-  
8 teen. In addition to the other benefits authorized by this chapter,  
9 the department may provide to such recipients grants of assistance  
10 in cases of fire, flood, or other disaster. The department may pay a  
11 sum not exceeding eleven hundred dollars toward the funeral and  
12 interment of a recipient provided that there are insufficient  
13 resources to pay for the cost of such funeral and interment. The  
14 Commonwealth shall have the right of reimbursement from what-  
15 ever resources may exist in the estate of the recipient.

1     SECTION 5. Section 23 of Chapter 119 of the General Laws, as  
2 so appearing, is hereby amended by striking the fifteenth para-  
3 graph in lines 138 to 145 inclusive and inserting in place there of  
4 the following new paragraph:—

5     “H. The department may pay a sum not exceeding eleven hun-  
6 dred dollars toward the funeral and interment of a child in its care  
7 provided that there are insufficient resources to pay for the cost of  
8 such funeral and interment. The Commonwealth shall have the  
9 right of reimbursement from whatever resources may exist in the  
10 estate of the child.”